

149. Dr. Findlay says he must have done so, because he employed eminent lawyers before the Comptroller-General on the amendment of the patent. If it was only before the Court for ten or eleven days would it have been possible in that time to have made such a complete test as was made at Johannesburg, in order to bring this question properly before the Court?—They could not have done it in that time; it would have taken months, or half a year.

150. *Mr. McGowan.*] At what date did you first use the dilute solution for the extraction of gold?—We have always used the dilute solution, never a stronger one. That is the very essential thing of our patent. The economy of the patent depends upon the dilute solution.

151. When did you first use cyanide in a dilute solution for the extraction of gold?—I was not with the company at the time, but I think it was in 1887 or 1888, when the Siemens process was first tried, in California and Siberia.

152. Do you know when the Cassel Company first applied for their original patent?—I think, in February, 1888, and then the date of the application for the amendment would have been in 1895.

153. *The Chairman.*] Has it been the fear of the Cassel Company taking proceedings against you that has deterred you from using your process?—They have never proceeded against u

154. Has the reason you have done so been from fear of their doing that?—Not at all. Simply because we have had no tailings to be cyanided.

155. In the event of this becoming law, and you had to pay a royalty, what is your estimate of the amount you would have to pay?—I believe $1\frac{1}{2}$ or 2 per cent.

156. On what gold you won?—Yes; and our operations may become very extensive.

157. *Dr. Findlay.*] Will you say whether in your specifications you mention the strength of the solution to be allowable?—No; we do not.

158. In that respect you are the same as the Cassel Company?—Yes.

159. Mr. Allen said bromide of cyanogen would exclude that if this passes?—Yes.

160. Would not the patent itself do it?—I believe it would.

161. Do you know that Dr. Gay admitted the patent in this colony?—I am not aware of it.

162. You say you have been using it in Victoria. Do you know that litigation has been proceeding there against the company?—I do not know. I know we have the cyanide in use at Mount Hepburn.

163. You do not know whether litigation has been pending between the Government and the company in Victoria? You do not know whether that is the reason you have not been disturbed in the use of cyanogen?—I do not know.

164. Do you know this question came before Mr. Justice Edwards the other day? Did you read Mr. Justice Edwards's decision?—I did not.

165. You do not know what he has said against this patent?—No. Nobody in New Zealand has the right of the patent. I would advise the Committee to get the evidence of the Chamber of Mines at Johannesburg on the subject.

166. You have not read Mr. Justice Edwards's decision?—I have not.

167. You do not know that he holds our amendment to be a proper amendment?—That may be.

168. *Mr. J. Allen* (to Dr. Findlay).] Will you say, as a legal man, whether subsection (2) of clause 8 covers anything more than the present patent of Cassel?—Yes, it does. I think it covers the strong solutions.

169. *The Chairman.*] Does it cover every solution?—Yes.

170. *Dr. Findlay* (to witness).] So far as the Bill is concerned, it does not present any further obstacle to your patent than the specification of our patent did?—I am not so well aware of that. I think the first paragraph of the specification is the same as the Bill. The second paragraph includes the strong solution.

172. *Mr. McGowan* (to Mr. Greenway).] I see four companies mentioned as being exempt from the operations of the Bill if passed. Have these companies bought out the rights?—Only the companies mentioned, and for use in their own mines.

173. Have they paid the whole of the money?—Yes, a lump-sum down, and have compounded with us to use the process in their mines.

174. And there is no money owing from these mines?—No.

175. In that connection could you give a rough estimate of the amount of money that you consider owing from companies who have been using the cyanide from the commencement of the legal proceedings, outside those companies?—It is about £5,000.

176. And I suppose you reserved to yourselves the right to proceed against those companies for that £5,000?—Yes. We look upon that as part of the purchase-money. We do not look upon it as getting £15,000, but upon getting £20,000.

177. How long has that £5,000 been accruing?—About two years and a half.

178. And the patent runs for four years and a half?—About four years now—a little more, to the 1st February, 1902. By far the largest part of it has accrued.

179. *Dr. Fitchett* (to witness).] Would your objection to the Bill cease if a clause were inserted protecting any rights lawfully existing under any patent? And I may say in justice to the Government that such a clause would have been inserted if such lawful patents existed in New Zealand. The Government was under the impression that no patent existed. Suppose a clause of that sort were inserted, would your opposition exist?—We have no interest other than to guard our own rights.

180. It would satisfy you?—Yes, certainly.

181. *Dr. Findlay.*] The Bill says that nothing therein shall be used to prejudice any lawfully-existing patent in New Zealand. The Government would say they were not lawful, and would fight Mr. Dencker?—We would not fight the Government.